

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAREN TAYLOR, individually and on
behalf of all others similarly situated, and
PAULISA FIELDS,

No. C 13-04916 WHA

Plaintiffs,

v.

**NOTICE OF EVIDENTIARY
HEARING**

WEST MARINE PRODUCTS, INC.,

Defendant.

Please take notice that there will be an evidentiary hearing at **7:30 AM ON SEPTEMBER 17, 2014**. At this evidentiary hearing, plaintiff Karen Taylor will testify, and possibly a West Marine witness will also testify.

The Court is troubled by the declarations, deposition testimony, and interrogatory responses given on behalf of Ms. Taylor, and by the way in which counsel have represented that testimony. Those declarations, testimony, and responses are artfully worded and leave important questions to inference. At the same time, the Court is confused as to why defense counsel did not ask more pointed questions to Ms. Taylor in her deposition. Accordingly, the Court will further sort this out by asking its own questions to Ms. Taylor, and by providing counsel some follow-up time to ask questions.

Without limitation, some of the questions that the Court will inquire at the evidentiary hearing include:

(1) Did Ms. Taylor actually ever fail to take the first rest break on a day in which she worked more than three-and-a-half hours? If so, why? And what are the dates and circumstances of such missed rest breaks? Is there documented proof, one way or another, to show that Ms. Taylor missed her first rest break on such days?

(2) Did Ms. Taylor actually ever fail to take the second rest break on a day in which she worked more than six hours? If so, why? And what are the dates and circumstances of such missed rest breaks? Is there documented proof, one way or another, to show that Ms. Taylor missed her second rest break on such days?


(3) The record indicates that Taylor did not record meal breaks on eight occasions (*see* Harris Exh. 11). Did she actually miss these meal breaks, and if so, why? Did she miss any other meal breaks and if so, why?

(4) Possible questions regarding spiffs and the “regular rate of pay” calculation for overtime pay.

Both sides should bring all relevant materials and West Marine shall bring all of Ms. Taylor’s time records to the evidentiary hearing. Any motion to continue this evidentiary hearing will be disfavored, and must be supported by very good cause and must be made by midnight tonight.

IT IS SO ORDERED.

Dated: September 10, 2014.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE